

H. B. No. 30]

CHAPTER 13.

An Act to fix the venue and regulate proceedings in prosecutions for murder by mob violence; define and punish murder by mob violence; provide for the suspension and removal of sheriffs, deputy sheriffs, constables, chiefs of police, city marshals and other officers who permit it; and fix the venue and regulate proceedings in such cases.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That whenever two or more persons shall combine together for the purpose of mob violence, and in pursuance of said combination shall unlawfully and wilfully take the life of any reasonable creature in being by such violence, such person shall be deemed guilty of murder by mob violence, and upon conviction thereof shall be punished by death or confinement in the penitentiary for life, or according to the degree of murder, to be found by the jury; provided, nothing in this section shall be so construed as to in any way affect the law in regard to manslaughter, as defined in Chapter 14, Title 15, of the Penal Code of the State of Texas.

SEC. 2. It shall be the duty of the district judges of the State to give this law specially in charge to the grand jury at the beginning of each term of court. Prosecutions for murder under this act may be commenced and carried on in any county of the judicial district in which the offense is committed, except the county of the offense, or in any county of the judicial district the judge of which resides nearest the county seat of the county in which the offense is committed. When the judicial district comprises only one county, prosecutions may be commenced and carried on in any adjoining county.

SEC. 3. If any sheriff, deputy sheriff, constable, chief of police, city marshal or other officer in this State shall permit or suffer any person in his custody charged with crime to be killed by one or more persons, or shall permit or suffer any such person to be taken from his custody and killed by one or more persons, he shall be deemed guilty of official misconduct, and removed from office; and the custody of a deputy shall be the custody of his principal. Proceedings to remove such officer from office may be commenced and carried on in any county named in Section 2 of this act. Said proceedings for the removal of said officers shall be conducted by the attorney general or under his direction in the name of the State of Texas, and shall be commenced by filing in the district court of the proper county a petition which shall be addressed to the judge of the court in which it is filed, and shall set forth in plain and intelligible language the facts as grounds of removal.

SEC. 4. After the filing of such petition, citation to the defendant shall issue as now provided by law in other civil cases. The trial and all the proceedings connected therewith shall be conducted as far as it is practicable in accordance with the rules and practices of the court in other civil cases; and appeals and writs of error may be sued out by either party to all appellate courts, as in other civil cases; provided, such cases shall take precedence in all courts of all other cases.

SEC. 5. The petition provided for in Section 3 shall be filed by the attorney general, or under his direction, as soon as practicable after he shall be informed of the facts, and within ten days after the same shall have been filed he shall make application to the district judge to whom it is addressed to [have] the officer against whom it is filed suspended tem-

porarily from office. Five days' notice of this application shall be given to the defendant, and, upon the hearing of such application, if it shall appear that the defendant permitted any person in his custody charged with crime to be killed by one or more persons, or permit or suffer any such person to be taken from his custody and killed by one or more persons, the judge shall forthwith suspend the defendant temporarily from office and appoint for the time being some other person to discharge the duties of the office, which person shall, before assuming the duties of the office, execute a bond in such sum as the judge may name, with at least two good and sufficient sureties, on such conditions as the judge may impose, to pay the defendant all damages and costs that he may sustain by reason of such suspension from office in case it should appear that the cause of removal is insufficient or untrue.

SEC. 6. In the trial of the case, the judge shall not submit special issues, but shall, under a proper charge applicable to the facts of the case, instruct the jury to find from the evidence whether the cause of the removal set forth in the petition is true in point of fact. Should the jury find that said cause of removal is true, judgment of ouster shall be entered against the defendant, and he shall not thereafter be elected or appointed to said office.

SEC. 7. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 8. The fact that there is no adequate law in this State for the suppression of mob violence, creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, June 19, 1897.

[NOTE.—The foregoing act passed the House; passed the Senate with amendments; and the House concurred in Senate amendments. Vote not given in either house.]

H. B. No. 31]

CHAPTER 14.

An Act to define the Thirty-eighth Judicial District and prescribe the times of holding District Courts in the various counties thereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That an act of the Twenty-fourth Legislature of the State of Texas, approved April 16, 1895, entitled an act to amend Section 1, Chapter 29, of an act passed at the regular session of the Twenty-third Legislature of the State of Texas, approved March 15, 1893, entitled an act to amend Section 38, Chapter 141, of an act passed at the regular session of the Twenty-first Legislature of the State of Texas, approved March 30, 1889, entitled an act to amend Chapter 61, an act entitled an act to amend Section 38 of an act entitled an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in such districts at the next general election to be held on the first Tuesday after the first Monday in November, 1894, approved April 9, 1893, granting an extension of time for the holding of